

Application No. 10/765,152
Reply to Election of Species Requirement of March 25, 2005

Applicants have elected with traverse, Species (a): Claim 12. Applicants' election of species is for examination purposes only. Claims 10-12, and 15-24 read on the elected species.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed (M.P.E.P. § 808.01(a)). The Office has not provided any reasons or examples to support a conclusion that the species are patentably distinct. The Office has merely stated a conclusion. Accordingly, Applicants submit the Election of Species Requirement is improper. Applicants request withdrawal of the Election of Species Requirement.

With respect to the elected species, Applicants submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Finally, Applicants respectfully submit that the Office has not shown that a serious burden exists in searching the entire application.

Applicants submit this application is now in condition for examination on the merits.

Respectfully submitted,

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